

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hassan, *et al.*  
Assignee: Banner Pharmacaps, Inc.  
Serial No.: 10/529,984  
Filed: March 31, 2005  
Confirmation No.: 6260  
Attorney Docket No.: B4700-597US

Examiner: Ellis, S.  
Art Unit: 1615

For: ENTERIC PREPARATIONS

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: Board of Patent Appeals and Interferences

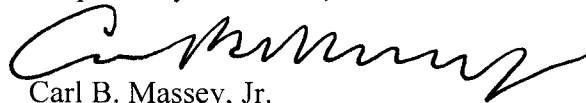
**TRANSMITTAL LETTER**  
**AMENDED APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Sir:

This paper is submitted in response to the Notification of Non-Compliant Appeal Brief mailed November 9, 2009. Please replace the original appeal brief filed on October 19, 2009 with the Amended Appeal Brief submitted herewith. The accompanying Amended Appeal Brief corrects matters of form identified in the Notification of Non-Compliant Appeal Brief and as required by 37 C.F.R. § 41.37(c)(1). Certain references to particular Office Actions have also been completed to avoid any potential ambiguity, *i.e.*, mailing dates of the relevant Office Actions have been added to such citations.

No fees are believed due. However, if any fees are required in connection with this paper, the Commissioner is hereby authorized to charge the necessary fees to Deposit Account No. 09-0528.

Respectfully submitted,



Carl B. Massey, Jr.  
Registration No. 44,224

Date: Dec 7, 2009  
File No.: B4700 597 US

Womble Carlyle Sandridge & Rice, PLLC  
Post Office Box 7037  
Atlanta, Georgia 30357-0378  
Telephone (336) 721-3681  
Facsimile (336) 726-8074